

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE: SCOTT B. WINGARD Case No. 06-70948 JAD
SHARON A. WINGARD

Debtors

SCOTT B. WINGARD Adversary No. 07-07038 JAD
SHARON A. WINGARD

Plaintiffs

vs. Docket No.

ALTOONA REGIONAL HEALTH SYSTEMS
and CREDIT CONTROL COLLECTIONS,

PRE-TRIAL STATEMENT

Attorney A. Thomas Farrell and Attorney Mary K. Wheeler spoke on February 11, 2008 regarding this case.

It is the opinion of Attorney Wheeler that the facts in this case are not in dispute. The dispute appears to lie in the interpretation of the facts. Attorney Wheeler believes that sending out another collection letter after receiving a letter from her telling Credit Control Collections constituted a violation of the automatic stay, for which the Debtors should receive damages and attorneys fees. Attorney Farrell, conversely, as seen by his pleadings, maintains that this was just an inadvertent error which should not be actionable. He appears to base this belief on a Fair Debt Collection Practices case which he said he would provide to Attorney Wheeler. That case has not yet been received. (After conversation with Attorney Farrell, he is in the process of delivering this case as this is written.)

Attorney Farrell has served on Plaintiffs requests for answers to interrogatories, which Plaintiff's have answered, and are currently in the process of serving on him.

Counsel for the parties attempted to settle this case, but with the widely divergent views

of the case, were unable to come to a successful settlement.

Because the facts are not in dispute, both Counsel agree that exhibits are not necessary at trial, other than those already on the record in the complaint.

. Scott Wingard and Sharon Wingard will testify as to the their damages, and the content of the answers to the interrogatories gives Attorney Farrell notice of the substance of the testimony.

The President of Credit Control Collections will testify as to the procedures of that entity where a bankruptcy is involved.

Attorney Farrell and Attorney Wheeler have a cordial relationship and will attempt up until the time of trial to settle this case.

Attorney Farrell has heard the content of this document, but has not yet received a copy of the same. He has agreed to authorize Attorney Wheeler to place an electronic signature above his name.

RESPECTFULLY SUBMITTED,

s/Mary K. Wheeler
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